

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JULIA MALDONADO,)	
)	
Plaintiff,)	
)	
v.)	No. 14 C 6694
)	Motion for:
)	14 C 10176
FREEDMAN ANSELMO LINDBERG LLC;)	
)	
Defendant.)	Hon. Harry D. Leinenweber
)	
)	

RULE 56.1 STATEMENT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Defendant Portfolio Recovery Associates, LLC ("PRA"), by its attorneys David M. Schultz, Avanti D. Bakane, and Lindsey A.L. Conley of Hinshaw & Culbertson LLP, respectfully submits this Rule 56.1 Statement of Material Facts in Support of its Motion for Summary Judgment:

1. Jurisdiction and venue are proper in this District pursuant to Section 1692k(d) of the Fair Debt Collection Practices Act ("FDCPA"), pursuant to which this case is brought. 15 U.S.C. §1692k(d). (Complaint, ¶ 2-3, attached hereto as Exhibit 1.)

2. Portfolio Recovery Associates, LLC ("PRA") is a Delaware limited liability company and admits that it has its principal place of business at 120 Corporate Blvd., Suite 100, Norfolk, Virginia 23502. (Ex. 1, ¶5)

3. This case arises out of a debt collection lawsuit filed against Damita Delitz ("Plaintiff") on May 2, 2014, in the Cook County Circuit Court, *Portfolio Recovery Associates, LLC v. Damita Delitz*, No. 2014 M1 125731 (the "collection case"). (Ex. 1, ¶ 8.)

4. PRA filed a collection suit against Plaintiff on May 2, 2014, seeking to recover the deficiency balance from a defaulted financial obligation. (Ex. 1, ¶ 7-8.)

5. At the time the collection suit was filed, Plaintiff was residing within Cook County. (Ex. 1, ¶ 13-14.)

6. PRA attempted service but was unsuccessful and never served Plaintiff with the collection case summons and complaint. (Cook County Collection Case Docket, attached hereto as Exhibit 2.)

7. On February 6, 2015, to comply with the *Suez* opinion, PRA filed a motion to dismiss the collection case. (Ex. 2.)

8. On February 23, 2015, the state court dismissed the collection case without prejudice. (Ex. 2.)

9. Plaintiff was never served with the collection case summons and complaint and therefore has never had to defend the case. (Delitz Deposition Transcript, June 17, 2015, 42:22-43:1-24; 53:13-15; 82:22-83:1-6; attached hereto as Exhibit 3.)

10. On December 18, 2014, Plaintiff filed the instant lawsuit against FAL and PRA, alleging a claim under FDCPA § 1692i(a)(2) for filing the collection case at the Daley Center, in the First Municipal District of Cook County Circuit Court, as opposed to the Maywood courthouse in the Fourth Municipal District, the district in which Plaintiff allegedly resides. (Ex. 1, ¶¶ 25-27.)

Respectfully Submitted,

Portfolio Recovery Associate, LLC

By: /s/ Lindsey A.L. Conley
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2015, I electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois Eastern Division, the foregoing **Defendant's Rule 56.1 Statement of Material Facts** by using the CM/ECF system, which will send notification of such filing(s) to:

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/s/ Lindsey A.L. Conley